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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/581,150	05/31/2006	Marco Ronconi	242/9-2246	2031
28147	7590	07/20/2007		
WILLIAM J. SAPONE COLEMAN SUDOL SAPONE P.C. 714 COLORADO AVENUE BRIDGE PORT, CT 06605			EXAMINER CHUKWURAH, NATHANIEL C	
			ART UNIT 3721	PAPER NUMBER
			MAIL DATE 07/20/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/581,150	RONCONI, MARCO	
	<b>Examiner</b>	<b>Art Unit</b>	
	Nathaniel C. Chukwurah	3721	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |  |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>5/31/2006</u> . | 6) <input type="checkbox"/> Other: ____  |

## **DETAILED ACTION**

### ***Oath/Declaration***

1. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

It does not state that the person making the oath or declaration acknowledges the duty to disclose to the Office all information known to the person to be material to patentability as defined in 37 CFR 1.56.

### ***Specification***

2. The abstract of the disclosure is objected to because the Abstract contain "means" on lines 2, 5, 8-9 12 and 14. Correction is required. See MPEP § 608.01(b).

### ***Claim Objections***

3. Claims 8 and 9 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from any other multiple dependent claim. See MPEP § 608.01(n). Accordingly, the claims and 8 and 9 have been further treated on the merits.

### ***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 3721

6. Claim 1 recites on lines 5-6 and 14 “second valve means which can be operated by means of a trigger mean is confusing because of multiple “means”; and on lines 18, 21, 22 and 27 recite several “mean” considered indefinite.

7. Claim 1 recites “mean” on line 1 and further recites “first valve means mobile between two extreme opening and closing positions” on line 2. It is unclear what applicant is referring.

8. Claim 3 further recites “mean” on line 2.

Claim 4, recites “it” on line 1. It unclear what “it” is referring. Further claim 4 recites “elastic means fit for exerting an elastic strength on the fourth valve means and to maintain them, in absence of strengths exerted by the trigger mean, in the block position” It is unclear and confusing as to what is being referred to and claimed.

9. Claim 5, recites “ first seat and matching a prominence of fourth valve means” on lines 2-3, is confusing and unclear what applicant is referring.

10. Claim 6 is unclear and confusing as to the limitation being claimed.

11. Claim 15 recites “ first valve means and third are nearly coincident and nearly parallel to the axis of the second valve means” on lines 2-3, is confusing and unclear what applicant is referring.

***Claim Rejections - 35 USC § 103***

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 3721

13. Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Howard Ramspeck (US3,547,003).

With regard to claim 1, Howard Ramspeck reference discloses a pneumatic fixing machine (10) comprising: a piston means (26), first valve means (60) in fluid communication with the tool cylinder (18) and exhaust port (19), a second valve means (77) operated by the trigger means (98), and movable between open position and closed position to connect pressurized fluid through at least first duct (44 Fig. 3), a fourth valve means (132) operated by the trigger (98) movable between open position and closed position to cut off supply of pressurized fluid to the cylinder (18); the machine function to operate the piston as claimed as described on column 4, lines 67-75; column 5, lines 1-53.

Ramspeck's reference discloses the claimed invention except that valve means (60) is piece integral valve unlike applicant's two piece of the same valve means which operates to supply pressurized fluid to the cylinder and exhaust port. However, it would have been obvious to one skilled in the art to make one piece valve into two piece since mere duplication of essential working parts of a device involves only routine skill in the art.

With regard to claim 2, Ramspeck's valve means (132) further comprises a piston valve (134) slidable inside a chamber (130) considered to be a first seat and in flow connection to the cylinder (18) and at least a second duct (108, 152).

With regard to claim 3, Ramspeck's reference discloses valve means (132) considered to be the fourth valve means comprising a least an engaging element supporting the trigger means which meets the limitation of "hollow".

With regard to claim 4, Ramspeck's reference discloses elastic means (142) for exerting an elastic strength on the valve (132) when not actuated by the trigger.

With regard to claim 5, the elastic means of Ramspeck's reference lacks compression helical spring, however biasing valve means by helical spring is old and well known in the art and would have been obvious to one skilled in the art to have provided the elastic means of Ramspeck's reference as a helical spring to effectively bias and return the valve to the valve's seat. (see US 5,865,360 for example).

With regard to claim 6, Ramspeck's reference discloses valve means (60) comprising a stem (68) slidable within valve seat (62) and passageway (74), the first end (70) of the valve means (60) being fitted to close off first duct (44) inside a seat adjacent passageway (74) which satisfies the limitation.

With regard to claim 7, Ramspeck's valve means (60) includes a portion (70) of transversal section as shown in Figure 3 which is greater than the second end of the valve means (60), the features of the valve means, as set for the above satisfy the limitation.

With regard to claim 8, the machine of Ramspeck further comprises duct (port 152) for flow connection between the chamber (130) and the inside cylinder (78), which satisfy the claimed limitation.

With regard to claim 9, Ramspeck's valve means (132) comprises a hollow (130) through which port (140) and 146) are connected in fluid communication when the valve is biased.

With regard to claim 10, the piston of the valve means (60) slidably contained inside valve cylinder (78) and in fluid communication with the passage (74), which satisfy the claimed limitation.

Art Unit: 3721

With regard to claim 11, the valve means (60) comprises a closing portion (section 70) having a smaller transversal section than the portion (72) of the valve means (60).

With regard to claim 12, Ramspeck's reference discloses a trigger valve (77) including elongated portion (84) sliding in chamber (93) provided with (passage (102) and in fluid communication with passage (106) connected to port (108) and exhaust port (19), satisfying the claimed limitation.

With regard to claim 13, a trigger valve (77) of Ramspeck comprises at external portion (circular end portion Fig. 3) fit to match the trigger means (98) and a lock portion (distal end portion Fig. 3), opposite the external portion as shown in Figure 3, fit for close opening (94 passage) of the chamber (93) in the blocking position of the valve means (60).

With regard to claim 14, arranging the fluid cut-off valve and the trigger valve perpendicular relative each other provide no unexpected results, it involves only routine skill in the art. However, it would have been obvious to one skilled in the art to provide the valve parts in a desired arrangement, for example, arranging the fluid cut-off valve and the trigger valve perpendicular relative each since Applicant does not state that such arrangement improve the valve performance.

With regard to claim 15, Ramspeck's valve means (60) and valve (77) are parallel to one another, which satisfy the claimed limitation.

### ***Conclusion***

Refer to attachment for notice of references cited and recommended for consideration based on their disclosure of limitations of the claimed invention.

Art Unit: 3721

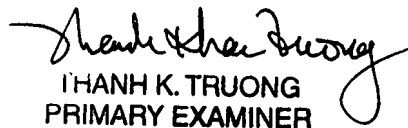
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nathaniel C. Chukwurah whose telephone number is (571) 272-4457. The examiner can normally be reached on M-F 6:00AM-2:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rinaldi Rada can be reached on (571) 272-4467. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NC

July 18, 2007.

  
THANH K. TRUONG  
PRIMARY EXAMINER  
TECHNOLOGY CENTER 3700